IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

_____	)	
	)	
MATTHEW A. PEQUIGNOT,	)	
	)	
Plaintiff	)	
	)	
v.	)	1:07cv897 (LMB/TCB)
	)	
SOLO CUP COMPANY,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT SOLO CUP COMPANY'S
REPLY MEMORANDUM IN SUPPORT OF ITS MOTION TO DECLARE THIS
AN EXCEPTIONAL CASE AND FOR ATTORNEY FEES AND/OR COSTS**

For the reasons stated in the accompanying memorandum, plaintiff Matthew A.

Pequignot respectfully moves to strike Defendant Solo Cup Company's Reply Memorandum in

Support of Its Motion to Declare this an Exceptional Case and for Attorney Fees and/or Costs

[D.E. 230] for violation of this Court's rules governing the deadline for filing reply briefs.

A proposed order is attached.

Dated: September 28, 2009   Respectfully submitted,

/s/ Ellen D. Marcus_____
Ellen D. Marcus
Virginia Bar. No. 44314
Carl S. Kravitz (admitted *pro hac vice*)
Jane M. Ricci (admitted *pro hac vice*)
ZUCKERMAN SPAEDER LLP
1800 M Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 778-1800 (telephone)
(202) 822-8106 (facsimile)
emarcus@zuckerman.com
ckravitz@zuckerman.com
jricci@zuckerman.com

Mia K. Poston
Virginia Bar No. 68548
Pequignot + Myers, LLC
1636 R Street, N.W., Third Floor
Washington D.C. 20009
(202) 328-1200 (telephone)
(202) 328-2219 (facsimile)
mposton@pmiplaw.com

Attorneys for Plaintiff Matthew A. Pequignot

<u>CERTIFICATE OF SERVICE</u>

I certify that on September 28, 2009, I electronically filed Plaintiff's Motion to

Strike Defendant Solo Cup Company's Reply Memorandum in Support of Its Motion to

Declare This an Exceptional Case and for Attorney Fees and/or Costs with the Clerk of

Court using the CM/ECF system, which will send notification of such filing to the

counsel of record in this matter who are registered on the CM/ECF.

/s/ Ellen D. Marcus_____
Ellen D. Marcus
Virginia Bar. No. 44314
ZUCKERMAN SPAEDER LLP
1800 M Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 778-1800 (telephone)
(202) 822-8106 (facsimile)
emarcus@zuckerman.com

Attorneys for Plaintiff Matthew A. Pequignot